



BOBBY JINDAL
GOVERNOR

State of Louisiana

OFFICE OF THE GOVERNOR
Used Motor Vehicle Commission

DEREK L. PARNELL
EXECUTIVE DIRECTOR

AGENDA FOR THE LOUISIANA USED MOTOR VEHICLE COMMISSION

DATE: January 25, 2010

TIME: 9:00 a.m.

PLACE: Louisiana Used Motor Vehicle Commission
3132 Valley Creek Drive
Baton Rouge, Louisiana 70808

- I. PLEDGE OF ALLEGIANCE
- II. ROLL CALL
- III. PUBLIC COMMENTS
- IV. ITEMS FOR DISCUSSION AND ACTION
 - A. Approval of minutes from previous meeting
 - B. Financial Matters
 - 1. Review of financial report
 - a. Review December Financials
 - b. Review YTD Expense vs. Revenue
 - c. Review YTD Budget
 - 2. Payment of invoices
 - a. Robert Hallack
 - C. Legal matters and pending litigation
 - 1. Review of Atchafalaya RV v. Double Tree RV
 - 2. LUMVC v. New York Marine (claims against bond)
 - 3. Review of Attorney General's Opinion
 - D. Policy and Procedure
 - 1. Discussion of issuance of salesperson's license - RS 32:791(C)
 - 2. Discussion of Annual License Renewal procedure
- V. EXECUTIVE DIRECTOR REPORT
 - 1. Update on 2010 licensing
 - 2. Compliance with payroll requirements
 - 3. Staff Resignation and New Hire
 - 4. CAVU update
 - 5. Review and Approval of Organizational Chart .
- VI. COMMITTEE REPORTS
 - A. Legislative Committee
- VII. HEARINGS
 - A. Eddie Buie - Operating as an unlicensed dealer, dismantler, and parts recycler¹

Used Motor Vehicle Commission

3132 Valley Creek Drive • Baton Rouge, Louisiana 70808
Phone 225-925-3870 • Fax 225-925-3869 • www.lumvc.louisiana.gov

VIII. ITEMS FOR NEXT AGENDA

¹ Because this matter may involve a "discussion of the character, professional competence, or physical or mental health of a person", deliberations regarding this hearing may be held in executive session in accordance with LSA- R.S. 42:6.1(A)(1).

*Agenda shall be provided to all Commissioners and all employees and contractors of the Commission.

POSTED
BY: Kim Baron DATE: 01-22-2010 TIME: 11:05 a.m.
Signature of Individual Posting

**La. Used Motor
Vehicle Commission
Financial Statements
for the month ending
December 31, 2009**

LA Used Motor Vehicle Commission
 3132 Valley Creek Drive
 Baton Rouge, LA 70808-3146
 Monthly comparison ending 12/31/09

Account	Account Name	Dec. 2009	YTD Balance	Dec. 2008	YTD Bal. Hist
	REVENUES				
	LICENSE FEES				
4101	UD Licenses	115,010.00	387,195.00	116,335.00	456,700.00
4102	AD Licenses	18,375.00	64,340.00	18,775.00	74,475.00
4103	NN Licenses	0.00	-200.00	0.00	-900.00
4104	CS Licenses	1,555.00	8,530.00	600.00	7,680.00
4105	MS Licenses	0.00	-2,500.00	4,465.00	33,990.00
4106	SR Licenses	0.00	-2,075.00	5,100.00	49,730.00
4107	SM Licenses	27,105.00	96,055.00	36,170.00	167,100.00
4108	BT-In State Licenses	0.00	-25.00	0.00	-125.00
4109	BT-Out of State Licenses	0.00	0.00	0.00	-200.00
4110	UP Licenses	200.00	400.00	0.00	10,600.00
4111	Criminal Record Checks	555.00	2,265.00	925.00	2,835.00
4112	Late Penalty	0.00	-825.00	385.00	10,935.00
4113	Address Change Fees	1,380.00	4,580.00	2,275.00	8,075.00
4114	Type Change Fees	0.00	500.00	0.00	-200.00
4115	Other Change Fees	1,100.00	3,900.00	1,185.00	5,635.00
4116	Trade Show Promoter	0.00	-200.00	1,000.00	3,750.00
4117	Trade Show Exhibitor	0.00	0.00	300.00	1,000.00
4118	Reinstatement Fees	725.00	3,875.00	1,175.00	7,850.00
4119	Reprint fees	0.00	50.00	0.00	50.00
4120	MA Licenses	0.00	-4,700.00	12,620.00	50,155.00
4121	MP License	0.00	-800.00	8,300.00	32,400.00
4122	RV Licenses	0.00	-300.00	1,600.00	10,200.00
4123	UT License	0.00	-2,800.00	11,300.00	63,740.00
4124	DT Licenses	0.00	-1,935.00	4,600.00	35,300.00
4125	RD Licenses	3,800.00	12,700.00	3,200.00	18,800.00
4126	DR License	500.00	4,100.00	1,775.00	12,275.00
4127	AU License	600.00	4,200.00	600.00	6,800.00
4128	Auction Transaction Fees	20,020.00	135,835.00	21,680.00	153,630.00
4129	Convenience Fees (Online)	279.00	438.00	7.50	7.50
4500	Overpayment	480.00	6,100.00	1,010.00	14,175.00
4502	Collections Account	-475.00	100.00	650.00	-1,160.00
	TOTAL LICENSE FEES	191,319.00	698,003.00	253,932.50	1,235,302.50
	OTHER REVENUES				
421	Interest-Oper. Acct.	199.83	930.73	401.59	3,425.42
422	Interest on CDs	371.89	3,472.17	780.23	7,277.88
424	Copies, Labels, Lists	75.00	684.25	0.00	839.61
425	Miscellaneous Revenues	386.78	386.76	0.00	2,268.04
426	Hearing Costs & Fines////	1,200.00	1,200.00	0.00	33,542.00
4501	NSF Returned Check Fee	25.00	200.00	50.00	350.00
	TOTAL OTHER REVENUES	2,258.48	6,873.91	1,231.82	47,502.95
	TOTAL REVENUES	193,577.48	704,876.91	255,164.32	1,282,805.45

LA Used Motor Vehicle Commission
3132 Valley Creek Drive
Baton Rouge, LA 70808-3146
Monthly comparison ending 12/31/09

Account	Account Name	Dec. 2009	YTD Balance	Dec. 2008	YTD Bal. Hist
	EXPENSES				
	SALARIES				
511	Salaries - Regular	28,433.29	228,625.68	59,413.74	512,083.39
512	Salaries - Overtime	1,171.48	3,162.29	0.00	3,548.07
513	Salaries - Termination	0.00	34,600.12	7,821.00	16,476.00
521	Per Diem	0.00	3,000.00	675.00	5,925.00
522	Student Compensation	0.00	0.00	0.00	1,377.25
631	Rel. Bfts.-Retirement	5,029.94	40,192.53	10,350.60	88,296.96
532	Rel. Bfts.-Group Ins.	11,983.34	73,799.20	15,734.87	85,894.62
533	Rel. Bfts.-FICA	86.21	1,181.57	207.01	1,774.02
534	Rel. Bfts.-Medicare	397.01	3,491.28	864.82	5,882.23
535	Rel. Bfts.-Unemployment	0.00	0.00	0.00	0.00
	TOTAL SALARIES	47,101.27	387,852.67	95,086.94	722,237.54
	TRAVEL				
541	In-State/Administrative	0.00	0.00	1,114.36	4,352.40
542	In-State/Conf. & Conv.	0.00	0.00	0.00	0.00
543	In-State/Field	76.96	1,060.62	194.74	1,796.33
544	In-State/Board Members	655.68	4,039.32	587.00	14,201.84
545	Out-State/Administrative	0.00	0.00	0.00	0.00
546	Out-State/Conf. & Conv.	0.00	0.00	0.00	0.00
547	Out-State/Field	0.00	0.00	0.00	0.00
548	Out-State/Board Members	0.00	0.00	0.00	0.00
	TOTAL TRAVEL	732.63	5,099.94	1,896.10	20,350.57
	OPERATING SERVICES				
5501	Printing	405.36	3,267.03	0.00	4,025.90
5502	Insurance	0.00	51,439.00	0.00	39,949.00
5503	Auto Maint. & Repairs	742.17	3,279.33	626.47	6,311.08
5504	Other Maintenance	1,362.76	9,394.83	1,571.96	13,946.15
5505	Rental	636.31	3,881.86	706.31	4,603.86
5506	Dues & Subscriptions	0.00	302.38	0.00	1,030.14
5507	Postage	0.00	3,752.88	0.00	10,698.67
5508	Telephone	1,794.16	10,712.83	2,219.46	16,679.81
5509	Utilities	430.29	3,891.95	597.82	6,076.80
5510	Miscellaneous	552.03	7,573.97	928.81	6,407.14
5511	Supplies - Office	-81.91	6,561.28	2,009.24	10,652.40
5512	Supplies - Auto	1,460.68	7,997.45	862.34	15,875.75
	TOTAL OPERATING SERVICES	7,291.84	112,054.79	9,520.39	136,256.70
	PROFESSIONAL SERVICES				
561	Prof. Serv.-Auditing	0.00	5,900.00	0.00	5,825.00
562	Prof. Serv.-Legal	1,181.25	37,149.74	6,650.00	66,291.10
563	Prof. Serv.-Other	3,656.26	44,555.65	1,545.00	19,422.00
	TOTAL PROFESSIONAL SERV.	4,837.50	87,605.39	8,295.00	91,538.10
	OTHER CHARGES				
571	Microfilming	0.00	0.00	0.00	0.00
572	Computer System	250.00	11,000.00	250.00	11,250.00
	TOTAL OTHER CHARGES	250.00	11,000.00	250.00	11,250.00
	CAPITAL OUTLAYS				
581	Capital Outlay-Automotive	0.00	0.00	0.00	0.00
582	Capital Outlay-Office	0.00	0.00	0.00	0.00
583	Cap. Outlay-Major Repairs	0.00	0.00	0.00	0.00
	TOTAL CAPITAL OUTLAYS	0.00	0.00	0.00	0.00
587	Building Depreciation	0.00	0.00	0.00	0.00
588	Auto & Equip. Depreciation	0.00	0.00	0.00	0.00
589	Parking Lot Depreciation	0.00	0.00	0.00	0.00
590	Bad Debt Expense	0.00	0.00	0.00	0.00
	TOTAL EXPENSES	60,213.24	603,612.79	115,028.43	980,632.91
	REVENUE OVER EXPENDITURES	133,364.24	101,264.12	140,135.89	302,172.54

LA Used Motor Vehicle Commission

3132 Valley Creek Dr.
Baton Rouge, LA 70808
Revenue & Expenditure Stmt.

Three months comparison ending 12/31/09

Account	Account Name	Oct. 2009	Nov. 2009	Dec. 2009
	REVENUES			
4101	UD Licenses	120,870.00	107,390.00	115,010.00
4102	AD Licenses	23,365.00	17,500.00	18,375.00
4103	NM Licenses	0.00	0.00	0.00
4104	CS Licenses	2,965.00	2,400.00	1,565.00
4105	MD Licenses	0.00	0.00	0.00
4106	SR Licenses	0.00	0.00	0.00
4107	SM Licenses	34,025.00	27,250.00	27,105.00
4108	BI-In State Licenses	0.00	0.00	0.00
4109	BI-Out of State Licenses	0.00	0.00	0.00
4110	UP Licenses	0.00	0.00	200.00
4111	Criminal Record Checks	700.00	560.00	655.00
4112	Late Penalty	0.00	0.00	0.00
4113	Address Change Fees	400.00	1,400.00	1,380.00
4114	Type Change Fees	100.00	0.00	0.00
4115	Other Change Fees	1,100.00	1,100.00	1,100.00
4116	Trade Show Promoter	0.00	0.00	0.00
4117	Trade Show Exhibitor	0.00	0.00	0.00
4118	Reinstatement Fees	675.00	0.00	725.00
4119	Reprint Fees	0.00	0.00	0.00
4120	MA Licenses	0.00	0.00	0.00
4121	MP License	0.00	0.00	0.00
4122	RV Licenses	0.00	0.00	0.00
4123	UT License	0.00	0.00	0.00
4124	DT Licenses	0.00	0.00	0.00
4125	RD Licenses	5,645.00	2,355.00	3,800.00
4126	DR License	1,800.00	800.00	500.00
4127	AU License	2,800.00	800.00	600.00
4128	Auction Transaction Fees	19,620.00	22,120.00	20,020.00
421	Interest-Oper. Acct.	101.64	149.01	199.83
422	Interest on CDs	388.16	908.24	371.89
424	Copies, Labels, Lists	0.00	34.25	75.00
425	Miscellaneous	0.00	0.00	386.76
426	Hearing Costs & Fines	0.00	0.00	1,200.00
427	Trade Show Fees	0.00	0.00	0.00
4500	Overpayment	1,565.00	5,115.00	480.00
4501	NSF Returned Check Fee	75.00	50.00	25.00
4502	Collections Account	75.00	0.00	-475.00
4503	Refund	0.00	0.00	0.00
	TOTAL REVENUES	216,369.80	189,931.50	193,288.48
	EXPENDITURES			
	Salaries:			
511	Salaries - Regular	23,850.51	25,352.07	28,433.29
512	Salaries - Overtime	0.00	0.00	1,171.48
513	Salaries - Termination	0.00	0.00	0.00
521	Per Diem	600.00	750.00	0.00
522	Student Compensation	0.00	0.00	0.00
531	Rel. Bfts.-Retirement	4,166.68	4,438.42	5,029.94
532	Rel. Bfts.-Group Ins.	13,338.46	11,566.06	11,983.34
533	Rel. Bfts.-FICA	127.03	138.85	86.21
534	Rel. Bfts.-Medicare	326.93	348.56	397.01
535	Rel. Bfts.-Unemployment	0.00	0.00	0.00
	Total Salaries	42,409.61	42,593.96	47,101.27
	Travel:			
541	In-State/Administrative	0.00	0.00	0.00
542	In-State/Conf. & Conv.	0.00	0.00	0.00
543	In-State/Field	91.90	0.00	76.95
544	In-State/Board Members	520.00	712.40	655.68
545	Out-State/Administrative	0.00	0.00	0.00
546	Out-State/Conf. & Conv.	0.00	0.00	0.00
547	Out-State/Field	0.00	0.00	0.00
548	Out-State/Board Members	0.00	0.00	0.00
	Total Travel	611.90	712.40	732.63

LA Used Motor Vehicle Commission

3132 Valley Creek Dr.
Baton Rouge, LA 70808
Revenue & Expenditure Stmt.

Three months comparison ending 12/31/09

Account	Account Name	Oct. 2009	Nov. 2009	Dec. 2009
	Operating Services:			
5501	Printing	2,602.64	0.00	405.36
5502	Insurance	0.00	0.00	0.00
5503	Auto Maint. & Repairs	531.73	114.77	742.17
5504	Other Maintenance	1,856.10	1,412.75	1,362.75
5505	Rental	636.31	495.31	636.31
5506	Dues & Subscriptions	0.00	0.00	0.00
5507	Postage	0.00	0.00	0.00
5508	Telephone	1,480.06	1,665.43	1,794.18
5509	Utilities	155.97	208.67	430.29
5510	Miscellaneous	446.93	976.60	552.03
5511	Supplies - Office	2,019.48	667.62	-91.91
5512	Supplies - Auto	786.42	768.65	1,460.68
	Total Operating Serv.	10,515.63	6,298.70	7,291.84
	Professional Services:			
561	Prof. Serv.-Auditing	5,900.00	0.00	0.00
562	Prof. Serv.-Legal	6,806.34	3,212.86	1,181.25
563	Prof. Serv.-Other	10,050.00	10,646.25	3,656.25
	Total Prof. Services	22,756.34	13,859.11	4,837.50
	Other Charges:			
571	Microfilming	0.00	0.00	0.00
572	Computer System	9,750.00	250.00	250.00
	Total Other Charges	9,750.00	250.00	250.00
	Capital Outlays:			
581	Capital Outlay-Automotive	0.00	0.00	0.00
582	Capital Outlay-Office	0.00	0.00	0.00
583	Cap. Outlay-Major Repairs	0.00	0.00	0.00
	Total Capital Outlay	0.00	0.00	0.00
	SUBTOTAL EXPENDITURES	86,043.48	63,714.17	60,213.24
590	Bad Debt Expense	0.00	0.00	0.00
	TOTAL EXPENDITURES	86,043.48	63,714.17	60,213.24
	EXCESS REVENUES/EXPEND.	130,326.32	126,217.33	133,085.24

LA Used Motor Vehicle Commission

3132 Valley Creek Dr.
Baton Rouge, LA 70808

BUDGET BALANCE AS OF 12/31/09

Account	Account Name	09-10 Bdg.	YTD Balance	Remaining	Rem. % Bdg.
	REVENUES				
4101	UD Licenses	480,000.00	367,195.00	112,805.00	-23.5
4102	AD Licenses	80,000.00	64,340.00	15,660.00	-19.6
4103	NM Licenses	0.00	-200.00	200.00	0.0
4104	CS Licenses	10,000.00	8,530.00	1,470.00	-14.7
4105	MD Licenses	0.00	-2,500.00	2,500.00	0.0
4106	SR Licenses	0.00	-2,075.00	2,075.00	0.0
4107	SM Licenses	155,000.00	95,055.00	60,945.00	-38.7
4108	BI-In State Licenses	0.00	-25.00	25.00	0.0
4109	BI-Out of State Licenses	0.00	0.00	0.00	0.0
4110	UP Licenses	22,000.00	400.00	21,600.00	-98.2
4111	Criminal Record Checks	3,000.00	2,265.00	735.00	-24.5
4112	Late Penalty	17,500.00	-825.00	18,325.00	-104.7
4113	Address Change Fees	5,000.00	4,580.00	420.00	-8.4
4114	Type Change Fees	1,200.00	500.00	700.00	-58.3
4115	Other Change Fees	4,300.00	3,900.00	400.00	-9.3
4116	Trade Show Promoter	0.00	-200.00	200.00	0.0
4117	Trade Show Exhibitor	0.00	0.00	0.00	0.0
4118	Reinstatement Fees	4,000.00	3,875.00	125.00	-3.1
4119	Reprint Fees	500.00	50.00	450.00	-90.0
4120	MA Licenses	0.00	-4,700.00	4,700.00	0.0
4121	MP License	0.00	-800.00	800.00	0.0
4122	RV Licenses	0.00	-300.00	300.00	0.0
4123	UT License	0.00	-2,600.00	2,600.00	0.0
4124	DT Licenses	0.00	-1,935.00	1,935.00	0.0
4125	RD Licenses	20,400.00	12,700.00	7,700.00	-37.7
4126	DR License	13,400.00	4,100.00	9,300.00	-69.4
4127	AU License	5,600.00	4,200.00	1,400.00	-25.0
4128	Auction Transaction Fees	227,500.00	135,835.00	91,665.00	-40.3
4129	Convenience Fees (Online)	600.00	438.00	162.00	-27.0
421	Interest-Oper. Acct.	3,000.00	930.73	2,069.27	-69.0
422	Interest on CDs	7,000.00	3,472.17	3,527.83	-50.4
424	Copies, Labels, Lists	2,947.25	684.25	2,263.00	-76.8
425	Miscellaneous	1,985.86	386.76	1,599.10	-80.5
426	Hearing Costs & Fines////	60,000.00	1,200.00	48,800.00	-97.8
4500	Overpayment	5,000.00	6,100.00	-1,100.00	22.0
4501	NSF Returned Check Fee	575.00	200.00	375.00	-65.2
4502	Collections Account	0.00	100.00	-100.00	0.0
4503	Refund	0.00	0.00	0.00	0.0
	TOTAL REVENUES	1,120,508.11	704,876.91	415,631.20	-37.1
	EXPENDITURES				
	SALARIES				
511	Salaries - Regular	427,441.48	197,586.17	229,855.31	-53.8
512	Salaries - Overtime	5,000.00	1,171.48	3,828.52	-76.6
513	Salaries - Termination	34,500.12	34,500.12	0.00	-0.0
521	Per Diem	8,325.00	2,325.00	6,000.00	-72.1
522	Student Compensation	0.00	0.00	0.00	0.0
531	Rel. Bfts.-Retirement	76,692.83	34,693.61	41,999.22	-54.8
532	Rel. Bfts.-Group Ins.	106,823.12	69,547.46	37,275.66	-34.9
533	Rel. Bfts.-FICA	1,658.34	1,054.44	603.90	-36.4
534	Rel. Bfts.-Medicare	6,717.00	3,033.94	3,683.06	-54.8
535	Rel. Bfts.-Unemployment	0.00	0.00	0.00	0.0
	TOTAL SALARIES	667,157.89	343,912.22	323,245.67	-48.5
	TRAVEL				
541	In-State/Administrative	6,000.00	0.00	6,000.00	-100.0
542	In-State/Conf. & Conv.	0.00	0.00	0.00	0.0
543	In-State/Field	3,000.00	1,060.62	1,939.38	-64.6
544	In-State/Board Members	9,500.00	4,039.32	5,460.68	-57.5
545	Out-State/Administrative	0.00	0.00	0.00	0.0
546	Out-State/Conf. & Conv.	0.00	0.00	0.00	0.0
547	Out-State/Field	0.00	0.00	0.00	0.0
548	Out-State/Board Members	0.00	0.00	0.00	0.0
	TOTAL TRAVEL	18,500.00	5,099.94	13,400.06	-72.4

LA Used Motor Vehicle Commission

3132 Valley Creek Dr.
Baton Rouge, LA 70808

BUDGET BALANCE AS OF 12/31/09

Account	Account Name	09-10 Bdg.	YTD Balance	Remaining	Rem. % Bdg.
	OPERATING SERVICES				
5501	Printing	3,000.00	3,267.03	-267.03	8.9
5502	Insurance	51,439.00	51,439.00	0.00	0.0
5503	Auto Maint. & Repairs	15,900.00	3,279.33	12,620.67	-79.4
5504	Other Maintenance	21,000.00	9,394.83	11,605.17	-55.3
5505	Rental	5,960.00	3,881.86	2,078.14	-34.9
5506	Dues & Subscriptions	1,300.00	302.38	997.62	-76.7
5507	Postage	17,700.00	3,752.88	13,947.12	-78.8
5508	Telephone	18,150.00	10,712.83	7,437.17	-41.0
5509	Utilities	10,500.00	3,891.95	6,608.05	-62.9
5510	Miscellaneous	9,400.00	7,573.97	1,826.03	-19.4
5511	Supplies - Office	18,000.00	6,561.28	11,438.72	-63.5
5512	Supplies - Auto	20,000.00	7,997.45	12,002.55	-60.0
	TOTAL OPERATING SERVICES	192,349.00	112,054.79	80,294.21	-41.7
	PROFESSIONAL SERVICES				
561	Prof. Serv.-Auditing	29,825.00	5,900.00	23,925.00	-80.2
562	Prof. Serv.-Legal	94,739.58	37,149.74	57,589.84	-60.8
563	Prof. Serv.-Other	42,816.25	44,555.65	-1,739.40	4.1
	TOTAL PROFESSIONAL SERV.	167,380.83	87,605.39	79,775.44	-47.7
	OTHER CHARGES				
571	Microfilming	3,000.00	0.00	3,000.00	-100.0
572	Computer System	12,500.00	11,000.00	1,500.00	-12.0
	TOTAL OTHER CHARGES	15,500.00	11,000.00	4,500.00	-29.0
	CAPITAL OUTLAYS				
581	Capital Outlay-Automotive	34,000.00	0.00	34,000.00	-100.0
582	Capital Outlay-Office	0.00	0.00	0.00	0.0
583	Cap. Outlay-Major Repairs	0.00	0.00	0.00	0.0
	TOTAL CAPITAL OUTLAYS	34,000.00	0.00	34,000.00	-100.0
	TOTAL EXPENDITURES	1,094,887.72	559,672.34	535,215.38	-48.9

Date : 12/31/2009
Time : 12:25 PM

LA Recreational & Used Motor Vehicle Com
3132 Valley Creek Drive
Baton Rouge LA 70808-3146

Page no. 1

BALANCE SHEET

As of 12/31/09

Account	Account Name	General Account	Detail Account
100	Petty Cash		500.00
101	Cash in BankOne		639,968.82
102	CD Investments		397,970.00
103	Accrued Interest Receivab		10,474.57
104	A/R-Hearings*****		36,736.77
104A	Acct. Receivable-Hearings		2,550.00
104B	Uncollectible Accounts		-2,750.00
11011	Land-Orig. Value		50,000.00
11021	Buildings-Orig. Value		182,488.00
11031	Autos & Equip-Orig. Value		304,154.60
11032	Accum. Deprec.-Autos & Eq		-381,193.91
11041	Parking Lot - Orig. value		23,000.00
	Total Assets		1,263,898.85

Date : 12/31/2009
Time : 12:25 PM

LA Recreational & Used Motor Vehicle Com
3132 Valley Creek Drive
Baton Rouge LA 70808-3146

Page no. 2

BALANCE SHEET

As of 12/31/09

Account	Account Name	General Account	Detail Account
20	Claim Against Bond Payabl		2,696.75
211	Accounts Payable		29,874.21
220	P/R-Federal Tax Payable		210.66
221	P/R-Medicare Tax Payable		-11.88
222	P/R-FICA Tax Payable		-3,394.66
223	P/R-State Taxes Payable		-73.66
224	P/R-Retirement Payable		291.47
225	P/R-OGB Dep. Life Payable		-0.00
226	P/R-OGB Health Ins. Pay.		97.58
227	P/R-OGB Life Ins. Payable		-50.00
232	P/R-Deferred Comp. Payable		0.00
234	P/R - AFLAC		-418.28
235	P/R - Prepaid Legal		0.00
237	P/R-Starmount Dental		24.40
240	Salaries Payable		12,783.17
250	P/R Tax & Benefit Payable		3,909.01
290	Compensated Absences		78,460.24
	Total Liabilities		124,399.01
320	Investment in Fixed Asset		178,448.69
330	Current Earnings		-469,013.86
333	Fund Balance		1,284,860.44
	Profit (Loss) Current Yr.		145,204.57
	Total Equity		1,139,499.84
	Total Liabilities plus Equity		1,263,898.85

December 31, 2009

LA Used Motor Vehicle Commission

3132 Valley Creek Dr.

Baton Rouge, LA 70808

CERTIFICATE OF DEPOSIT SUMMARY

BANK	CERTIFICATE AMOUNT	MATURITY DATE	INTEREST RATE
Concordia Bank & Trust Vidalia	\$ 200,000.00	01/03/10	1.50%
LA Capitol Federal Credit Union Baton Rouge	\$ 99,000.00	04/30/10	1.55%
Landmark Bank Zachary	\$ 98,970.00	04/28/10	2.15%
TOTAL	\$ 397,970.00		

LOUISIANA RECREATIONAL AND USED MOTOR VEHICLE COMMISSION

Revenue and Expenditure Comparison

2008-2009			2009-2010				
	Revenues	Expenditures		Revenues	Expenditures	Fund Balance	Rev. Difference
July 2008	59,400.19	134,831.81	July 2009	22,635.41	127,762.94	1,291,361.48	(36,764.78)
Aug. 2008	43,567.09	175,738.27	Aug. 2009	12,706.68	94,180.49	1,209,887.67	(30,860.41)
Sept. 2008	132,920.27	136,331.68	Sept. 2009	69,524.79	127,758.02	1,151,654.44	(63,395.48)
Oct. 2008	403,817.55	163,674.25	Oct. 2009	216,501.05	86,043.48	1,282,112.01	(187,316.50)
Nov. 2008	285,329.80	117,263.32	Nov. 2009	189,931.50	63,714.17	1,408,329.34	(95,398.30)
Dec. 2008	255,164.32	115,028.43	Dec. 2009	193,577.48	60,213.24	1,541,693.58	(61,586.94)
Jan. 2009	102,606.23	137,765.15	Jan. 2010				
Feb. 2009	62,714.20	97,291.57	Feb. 2010				
Mar. 2009	62,606.05	96,985.96	Mar. 2010				
Apr. 2009	42,729.53	97,036.95	Apr. 2010				
May 2009	40,420.63	93,033.13	May 2010				
June 2009	35,229.84	105,388.83	June 2010				
TOTALS	1,526,505.70	1,470,369.35	TOTALS	704,876.91	559,672.34		
Net	56,136.35		Net	145,204.57			

LOUISIANA USED MOTOR VEHICLE COMMISSION
Accounts Receivable-Hearings
as of December 31, 2009

<u>Meeting Date</u>	<u>Name</u>	<u>Fine&Cost Assessed</u>	<u>Paid</u>	<u>Balance Due</u>	<u>Date of Deposit</u>	<u>Judgement Status</u>
07/17/06	Steve Andries Used Cars	6,625.26		6,625.26		Filed Claim Ag. Bond
06/06/07	Washington Auto Sales	500.00		500.00	*	Filed Claim Ag. Bond 01/14/09
11/13/07	Auto Outlet Lowest Wholesale In Stock, Inc.	9,175.00		9,175.00		Filed Claim Ag. Bond
12/20/07	Taryn Auto Sales	500.00		500.00	*	Filed Claim Ag. Bond 01/14/09
02/19/08	Tiger Jags Auto Detail & Auto Sales, LLC	1,164.91	25.00	1,139.91	Tr. SM	Filed Claim Ag. Bond
02/19/08	Extreme Auto Mart, Inc.	5,244.44		5,244.44		Filed Claim Ag. Bond
03/18/08	Masters Motors	6,006.00	Pd 3,250.00	2,756.00	12/31/08	Filed Claim Ag. Bond
10/21/08	AAA Used Auto Sales	4,750.00		4,750.00		
10/21/08	Westside Wholesale, Inc.	5,850.00		5,850.00		
02/18/09	Paul Roye Auto Sales	600.00	Pd. 450.00	150.00	06/05/09	
02/27/09	Crownline Boats Inc.	350.00		350.00		
02/27/09	Proline Boats	350.00		350.00		
12/04/09	Doubletree RV LLC	600.00		600.00		
12/04/09	Atchafalaya RV LLC	600.00		600.00		
TOTAL				\$38,590.61		

To: Derek Parnell, Executive Director
From: Heather J. Ellis, Accounting Technician
Subject: December Expenditures
Date: December 31, 2009

MEMORANDUM

SALARIES:

Regular: consistent with previous months.

Overtime: overtime for the week of December 7-12.

Related Benefits: consistent with previous months.

Per Diem: paid for attendance of regular monthly meeting in January due to payroll cut-off date.

TRAVEL:

In-State/Admin.: no administrative travel for December.

In-State/Field: field travel paid for December.

In-State/Board Members: paid for commissioner's December travel expenses.

Out-State/Conf. & Conv.: no monies paid out for conferences.

OPERATING SERVICES:

Printing: printing expenses for new letterhead paid in December.

Insurance: yearly insurance premiums paid in September.

Auto Maint: paid \$627 more than previous month.

Other Maint: consistent with normal monthly payments.

Rental: rental for storage building charged for November & December.

Dues & Subscriptions: no dues or subscriptions paid out in November.

Postage: no postage uploaded due to previous payment.

Telephone: consistent with previous months charges for service.

Utilities: charges were \$224 more than previous month.

Miscellaneous: paid for direct deposit fees, bank service charges and criminal record checks.

Supplies-Office: no office supplies paid for in December.

Supplies-Auto: paid December invoice for November charges.

PROFESSIONAL SERVICES:

Auditing: no money paid for auditing or CPA.

Legal: paid Robert Hallack for November Invoice.

Other: paid Interim Director, Court Reporter, and IT Services for November invoices.

OTHER CHARGES:

Computer System: consistent with monthly usage charges.

CAPITAL OUTLAY:

Major Repairs: no major repairs needed for December.

hje

cc Commissioners

Louisiana Used Motor Vehicle Commission

Expenditure and Revenue Comparison

Activity Period: July - December 2008 and July - December 2009

Month	Total Expenditure		Percentage Decrease	Total Revenue		Percentage Decrease
	2009	2008		2009	2008	
July	\$127,762.94	\$134,831.81	5%	\$22,635.41	\$59,400.19	62%
August	\$94,180.49	\$175,738.27	46%	\$12,706.68	\$43,567.09	71%
September	\$127,758.02	\$136,331.68	6%	\$69,524.79	\$132,920.27	48%
October	\$86,043.48	\$163,674.25	47%	\$216,501.05	\$403,817.55	46%
November	\$63,714.17	\$117,263.32	46%	\$189,931.50	\$285,329.80	33%
December	\$60,213.24	\$115,028.43	48%	\$193,577.48	\$255,164.32	24%
Totals	\$559,672.34	\$842,867.76	34%	\$704,876.91	\$1,180,199.22	40%

Expenditures Verses Revenues

This comparison illustrates that during this six month timeframe our Total Expenditures have decreased by 34% and our Total Revenues have decreased by 40% to that of 2008. As a result of decreased revenues, our Total Revenues have decreased at a rate higher than our Total Expenditures for this timeframe in 2009.

HALLACK LAW OFFICE

ROBERT W. HALLACK • ATTORNEY AT LAW

13007 JUSTICE AVENUE
BATON ROUGE, LOUISIANA 70816
TELEPHONE: (225)291-4357

HALLACKLAW.COM

P. O. BOX 77258
BATON ROUGE, LOUISIANA 70879-7258
FACSIMILE NO.: (225)291-4338

January 4, 2009

VIA FACSIMILE NO. 925-3869 AND MAIL

Mr. Derek L. Parnell, Executive Director
LOUISIANA USED MOTOR VEHICLE COMMISSION
3132 Valley Creek Drive
Baton Rouge, Louisiana 70808

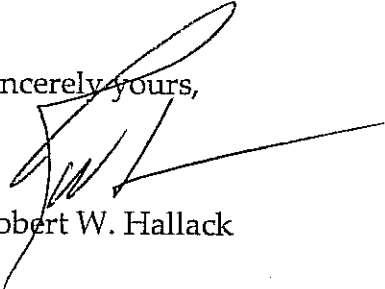
Re: Bill for Services for December, 2009

Dear Mr. Parnell:

Please find attached my bill for services performed in December of 2009. If you have any questions about any item, please call me.

With kind personal regards, I am

Sincerely yours,


Robert W. Hallack

RWH/blm
enclosure
cc: Glen Robinson, Chairman (via email)

RECEIVED

JAN 05 2010

LUMVC

INVOICE FOR SERVICES RENDERED IN DECEMBER 2009

DATE	FILE	SERVICE PERFORMED	TIME	AMOUNT
1	Miscellaneous	Meeting with Executive Director and Chairman	.5	No Charge
1	Miscellaneous	T/c from K.Baron, re: opinion about radio advertisement from dealer sponsoring cash prizes	.25	No Charge
2	Kimuel Lee	Receipt & review of Notice of Hearing and exhibits; changes to Notice delivered	.5	\$87.50
2	Miscellaneous	Meeting w/ D.Parnell and K.Baron	1	No Charge
4	Atchafalaya RV v. Double Tree	Oral argument before Judge W. Morvant	1.5	\$262.50
4	Eddie Buie	Receipt & review of materials, including notice of hearing; changes made to notice of hearing (dealer operating w/o license)	1.25	\$218.75
8	Atchafalaya RV v. Double Tree	Preparation of draft of Judgment; circulated to attorneys; changes made to draft	.75	\$131.25
9	Miscellaneous	Meeting with D.Parnell	2	No Charge
15	Miscellaneous	Draft of the agenda	.25	\$43.75
16	LUMVC v. New York Marine	T/c from B.Hattings of New York Marine, re: extension of time, possible resolution	.25	\$43.75
18	Legislation '10	Compilation of previous legislation	.5	\$87.50
21	Miscellaneous	Monthly Meeting	1.5	\$262.50
21	Miscellaneous	Resolution for Attorney	.5	\$87.50

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JAN 05 2010

LUMVC

		General's Opinion		
29	Atchafalaya RV	Judgment in final form; cover	1.25	\$218.75
	v. Double Tree	letter to the Clerk; filing with the		
		Clerk		
<hr/> TOTAL				\$1,443.75

TOTAL CONTRACT AMOUNT:	\$ 60,000.00
<u>AMOUNT EXPENDED YEAR TO DATE:</u>	<u>\$ 15,618.75</u>
REMAINING BALANCE:	\$ 44,381.25

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JAN 05 2010

LUMVC

STATE OF LOUISIANA
PARISH OF EAST BATON ROUGE

BEFORE ME, the undersigned authority, personally came and appeared,

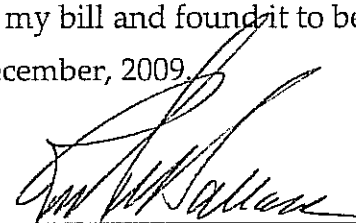
ROBERT W. HALLACK

Who after being duly sworn did depose and state that:

I am contract counsel to the LOUISIANA USED MOTOR VEHICLE
COMMISSION, an agency of the State of Louisiana.


Attached hereto is my bill for services for the month of December, 2009.

I have thoroughly reviewed my bill and found it to be a correct statement of
services for the month of December, 2009.



ROBERT W. HALLACK

SWORN TO AND SUBSCRIBED before me, Notary Public, on this 4
day of January, 2009.



Brenda L. Moriarty, Notary Public
Notary ID No. 81265, My commission is for life.

RECEIVED

JAN 05 2010

LUMVC



State of Louisiana
DEPARTMENT OF JUSTICE
P.O. BOX 94005
BATON ROUGE
70804-9005

JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

DEC 18 2009
OPINION 09-0241

64-2 Louisiana Administrative Procedure Act

La. R.S. 32:783 *et seq.* La. R.S. 46:2705
La. R.S. 32:785 La. R.S. 49:950 *et seq.*
La. R.S. 42:262 La. R.S. 49:960

Mr. Derek L. Parnell
Executive Director
State of Louisiana
Office of the Governor
Used Motor Vehicle Commission
3132 Valley Creek Drive
Baton Rouge, LA 70808

There is no statutory minimum or maximum requirement as to the number of attorneys that should be employed by the Louisiana Used Motor Vehicle Commission ("Commission"). However, the Commission should hire two attorneys to perform different roles in an adjudication in order to afford due process to respondents and avoid the commingling of prosecutorial and adjudicative functions as prohibited by the Administrative Procedure Act. Additional reasons may also exist for the Commission to employ separate attorneys for the proper discharge of its duties under state law; the ultimate discretion lies with the Commission. Before retaining or employing the attorneys, written approval of the governor and the Attorney General is required pursuant La. R.S. 42:262.

Dear Mr. Parnell:

You have requested an opinion of the Attorney General concerning the necessity of the Louisiana Used Motor Vehicle Commission ("Commission") to employ two separate attorneys. You state that the Commission is legislatively mandated to conduct hearings on violations of the Commission's laws, and, in the past, the Commission has operated with one attorney. When hearings occurred, the attorney served as an advisor and either the Executive Director or Hearing Officer performed as a prosecutor. You want to know if there is any legal requirement that the Commission have two attorneys. You also ask for an opinion as to whether there would be any reason why the Commission would need separate attorneys to perform different roles. You provide the example that the Commission has from time to time hired an attorney to perform strictly a legislative function or a civil role.¹

There is no statutory minimum or maximum requirement as to the number of attorneys that should be employed by the Commission. La. R.S. 32:783(D)(3) provides that "[t]he Commission may employ such . . . legal, and other help and incur such expenses as may be necessary for the proper discharge of its duties under this Chapter." Thus, the Commission has the authority to hire as many or as few attorneys as it deems necessary to fulfill its duties under law,² provided the Attorney General has approved the employment. See La. R.S. 42:262.

¹ It is not clear what is meant by the use of the terms "legislative function" or "civil role."
² Several provisions of Title 32 provide a means for recoupment of attorney fees incurred by the Commission. Specifically, La. R.S. 32:785 (A)(5) provides that costs, including attorney fees, should be charged to and borne by the applicant or licensee affected when the Commission

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DEC 22 2009

LUMVC

However, it will be prudent for the Commission to hire more than one attorney to perform different roles in an adjudication under the Louisiana Administrative Procedure Act ("APA").³ See La. R.S. 49:950 *et seq.* The APA is designed to make sure that persons subject to the administrative process receive a fair hearing before a neutral decision maker. Louisiana courts have held that this basic statutory purpose is defeated when one single attorney serves as the prosecutor, fact finder and advisor to a commission.

In *Allen v. Louisiana State Board of Dentistry*, 543 So.2d 908 (La. 1989), the Louisiana Supreme Court reviewed an administrative decision of the Board of Dentistry and recognized the need to avoid the appearance of impropriety, resulting from one attorney performing intrinsically conflicting functions. Specifically, the Supreme Court held that a system whereby the prosecutor of a board drafted the board's findings of fact violated due process because it represented a commingling of prosecutorial and adjudicative functions in a single person. The court proceeded to state that if the board thought the assistance of an attorney was desirable, it should have contacted independent counsel, not the prosecutor.

In La. Atty. Gen. Op. 98-69, this office recognized the importance of maintaining separate attorneys for advisory and prosecutorial roles of a board or commission. Specifically, this office opined that a board's general legal counsel may serve in an advocacy role on behalf of a board regarding any findings of fact, conclusions of law and sanctions, subsequent to the administrative phase of procedure. However, the general counsel should maintain a role separate and apart from that of prosecutor if a rehearing before the board is granted.

The APA is silent as to whether an attorney must serve as the prosecutor to the Commission. Still, one could argue that, in upholding the APA and to avoid the appearance of impropriety, no one (including an attorney, member of the Commission or employee of the Commission) should serve dual roles of prosecutor, adviser or fact finder for the Commission. The statutory purpose of the APA that persons subject to administrative process receive a fair hearing before a neutral decision maker is defeated when an advocate, prosecutor, or investigator performs adjudicatory functions of arriving at findings of fact. La. R.S. 49:960(A), which prohibits *ex parte* communication between the decision-maker and counsel for a party to the adjudication, supports our interpretation of the goals of the APA, though it does not directly address the issue at hand.

provisions of this Chapter, then all costs of the hearing procedure shall be charged to and borne by the parties so affected."

³ As defined by La. R.S. 49:951(a), "adjudication" means agency process for the formulation of a decision or order.

You indicated that, in the past, the Executive Director has served in the role of prosecutor. Arguably, the appearance of impropriety may be diminished when an Executive Director serves as prosecutor. Commission members rely heavily on the Executive Director to handle the day to day operations of the Commission and its office. For example, an Executive Director commonly serves as the custodian of records for the respective Board or Commission. In situations where records and facts involving licensees are disputed and the Executive Director serves as prosecutor and custodian of records, a potential conflict may arise. There may also be a violation of La. R.S. 49:960. Further, a court may find that the role of prosecutor extends beyond the duties of the Commission's Executive Director under Louisiana law. See La. R.S. 32:783(D)(2) and La. R.S. 46:2705.⁴

Similarly, there is a risk of commingling the prosecutorial and adjudicative functions of the Commission when a Hearing Officer serves as the prosecutor. Depending on the Commission and/or its rules and regulations, a Hearing Officer may serve as an advisor to the Commission, rule on evidentiary matters and decide guilt or innocence. This type of commingling is prohibited by the APA. See La. R.S. 49:960.

In response to your inquiry as to whether there would be a reason why the Commission would need to hire separate attorneys to perform different roles, compelling reasons may exist for retaining more than one attorney in situations where duties involved pose an intrinsic conflict. For example, the Commission may decide to hire two attorneys to perform different roles in an adjudication in order to afford due process to respondents, as explained above. When a governmental agency such as the Commission considers potentially adverse actions such as revocation of a license or is deciding whether a violation of the Commission's laws has been committed, the respondent must be given an opportunity to appear before an impartial adjudicator. Therefore, compelling reasons may exist for the Commission to hire two separate attorneys to perform potentially conflicting roles for the Commission. We note that the ultimate decision to hire counsel lies with the Commission.

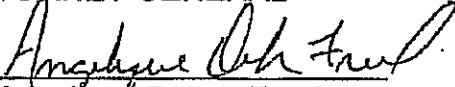
Additional reasons may also exist for the Commission to employ separate attorneys for the proper discharge of its duties under state law, such as workload and expertise. Before retaining or employing the attorneys, written approval of the governor and the Attorney General is required pursuant to La. R.S. 42:262.

⁴ La. R.S. 32:783 (D)(2) provides that "the Executive Director shall be in charge of the Commission's office and shall devote such time as necessary to fulfill the duties thereof. . . ." Similarly, La. R.S. 46:2705 of the Commission Rules states that the "Executive Director of the Louisiana Recreational and Used Motor Vehicle Commission shall be in charge of the commission's office and shall conduct and direct the activities thereof in the manner as directed by the commission."

We hope that this information sufficiently answers your inquiry. If we can be of further assistance, please do not hesitate to contact us.

With Best Regards,

JAMES D. "BUDDY" CALDWELL
ATTORNEY GENERAL

By: 

Angelique Duhon Freel
Assistant Attorney General

JDC:ADF

any for-profit corporation, association, or other entity that is associated with the used car industry to conduct the seminar and certify completion of the required attendance. However, the commission shall investigate the qualifications of and shall have the authority to approve or deny approval of all entities that desire to conduct an educational seminar for motor vehicle dealer applicants and motor vehicle dealers.

(iii) The commission shall approve a uniform document used to certify completion of the seminar and all materials used in conducting the seminar. The commission shall approve all fees charged for materials and attendance to the seminar.

(iv) The commission shall promulgate rules to implement this educational seminar program.

(4)(a) All bonds and licenses issued under the provisions of this Part shall expire on December thirty-first following the date of issue and shall be nontransferable.

(b) Any dealer who submits a renewal application after the expiration date of an existing license shall be subject to a late penalty of one hundred dollars which shall be paid to the commission.

(c) Any dealer having a previous annual license shall be presumed to be a renewal applicant.

(d) Any dealer changing the name of the dealership, the dealership's address, the ownership of the dealership, or opening any additional place of business shall notify the commission within ten days of such change or be in violation of this Part.

(e) Any dealership ceasing to maintain its business shall surrender the dealership license to the commission within ten days and any failure to do so shall constitute a misdemeanor. Violations of this Subparagraph shall be punished as provided in Paragraph (A)(3) of this Section.

(f) The commission is authorized to adopt rules to implement the provisions of this Section.

(5) The office of motor vehicles of the Department of Public Safety and Corrections shall be notified not to accept dealers' titles until such time as licenses have been issued.

~~*~~ C. A used motor vehicle salesperson's license shall permit the licensee to engage in the activities of a used motor vehicle salesperson. Salespersons shall not be allowed to sell vehicles unless applications and fees are on file with the commission and the motor vehicle salesperson's or temporary salesperson's license has been issued. No person shall hold more than one salesperson's license at a time.

D. The schedule of license fees to be charged and received by the commission for the licenses issued hereunder shall be as follows:

(1) For each used motor vehicle dealer's license, a maximum of two hundred dollars.

(2) For a used motor vehicle dealer's license and for each place of business in addition to the principal place of business, one hundred dollars.

(3) For each used motor vehicle salesperson's license, no more than twenty-five dollars.

E. The license issued to each used motor vehicle dealer shall specify the location of the place of business. If the business location is changed, the commission shall be notified immediately of the change and the commission may endorse the change of location on the license without charge. The license of each dealer shall be posted in a conspicuous place in the dealer's place or places of business.

F. Every used motor vehicle salesperson shall have his license upon his person when engaged in his business and shall display same upon request. The name of the employer of the salesperson shall be stated on the license.

G.(1) Every person, firm, or corporation before being licensed hereunder as a used motor vehicle dealer shall show proof of responsibility by depositing with the commission a continuing bond in the amount of twenty thousand dollars with surety thereon of a company authorized to do business in the state, which bond shall be approved by the commission, payable to the state of Louisiana through the commission, and shall be conditioned upon faithful observance of all laws regulated by the commission, including but not limited to laws relating to penalties and hearing costs and to the proper disposition of licenses, tags, or titles, and shall also indemnify any person who suffers any loss by reason of a failure to observe the provisions of the law relating to sales tax, licenses, tags, or titles and shall also indemnify any person who suffers any loss, damages, and expenses by reason of a failure to deliver title and for the proper disposition of all taxes, licenses, and

LA Used Motor Vehicle Commission Organizational Chart

